

Group II, claims 17-18 and 22-24, drawn to a portable telephone terminal that can establish data communication with a server of a communication system wherein transmitting/receiving images between each other, classified in class 455, subclass 344.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group I, claims 7, 15-16, 19-21, and 25-30.**

Applicants respectfully direct the Examiner's attention to M.P.E.P. §803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicants respectfully submit that the Examiner would not be unduly burdened if forced to examine Claims 17-18 and 22-24 because the Examiner has already performed the search and has

deemed allowable subject matter in the previous Office Action dated February 12, 2003.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

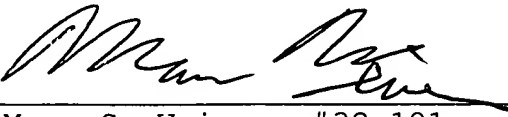
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;  
particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
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Marc S. Weiner, #32,181

MSW:HNS:DKD:kmr  
0905-0239P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000